

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

DARLENE GARNER,

Plaintiff,

v.

SELECT PORTFOLIO SERVICING,  
INC., et al

Defendants.

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Case No. 15-cv-10377

HON. MARK A. GOLDSMITH

**ORDER DENYING DEFENDANT'S EMERGENCY MOTION TO STAY (Dkt. 106)**

This matter is before the Court on Defendant Select Portfolio Servicing's August 10, 2018 Emergency Motion to Stay Magistrate Judge Ordered Discovery Deadlines Pending Decision On Objections To Order Granting In Part And Denying In Part Motion For Protective Order (Dkt. 106). The motion follows Defendant's August 8, 2018 filing of objections (Dkt. 105) to the magistrate judge's July 25, 2018 order requiring certain discovery responses by August 10, 2018 (Dkt. 103).

Defendant was provided more than two weeks to comply with the magistrate judge's order requiring discovery responses. Defendant argues in its objections that requiring it to provide those responses constitutes clear error and would compromise certain proprietary interests. Yet Defendant waited until the final day allowable to file its objections, see E.D. Mich. L.R. 72.1(d)(3), and then filed an emergency motion to stay the proceedings two days later – at the end of the business day on which the magistrate judge's order required compliance.<sup>1</sup> If Defendant believed

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<sup>1</sup> Under the Local Rules, Defendant's late-filed emergency motion gave the Court mere hours to rule. See E.D. Mich. L.R. 72.2 ("When an objection is filed to a magistrate judge's ruling on a

that this truly constituted an emergency and that the magistrate judge's order compromised its interests so severely, it should not have waited as long as it did to both file the objections and file the motion to stay. Accordingly, the Court denies the motion to stay.

SO ORDERED.

Date: August 20, 2018  
Detroit, Michigan

s/Mark A. Goldsmith  
MARK A. GOLDSMITH  
United States District Judge

**Certificate of Service**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on August 20, 2018.

s/William Barkholz  
Case Manager substituting  
for Karri Sandusky

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non-dispositive motion, the ruling remains in full force and effect unless and until it is stayed by the magistrate judge or a district judge.”).